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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/749,618	12/30/2003	Steven K. Reinhardt	P17412	8291		
50890	7590	07/06/2010	EXAMINER			
Caven & Aghevli LLC c/o CPA Global P.O. BOX 52050 MINNEAPOLIS, MN 55402				PARTRIDGE, WILLIAM B		
ART UNIT		PAPER NUMBER				
2183						
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/749,618	REINHARDT ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	William B. Partridge	2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 May 2010.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 11-13 and 15-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 11-13 and 15-18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

Claims 11-13 and 15-18 remain for examination.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 11-13 and 15-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In regards to claims 11 and 16, applicants have amended the claims to state that the committing occurs "atomically to a sequential architectural memory state of a computation". The specification does not support this limitation as it never discloses a "sequential architectural memory state" or what it would be. In fact, the specification makes mention of "sequential architectural state of the computation" (¶ 0029) and "sequential memory state" (¶0032) which are seemingly distinct ideas, thus it appears that the limitation is some unsupported combination of the two ideas. Examiner isn't even clear what a "sequential architectural memory state" would even be. Claims 12, 13, 15, 17, and 18 are all dependent upon claim 11 or claim 16 and are thus rejected as well.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11-13 and 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As to claims 11 and 16, the limitation "sequential architectural memory state" is unclear as pointed out above. The limitation seems to be the combination of two distinct ideas from the claims that is not supported by the specification. This results in the claim being indefinite as one of ordinary skill in the art would not understand what such a limitation means and thus what would infringe upon any resulting claims. For the purpose of examination the limitation shall be interpreted to mean the store is committed to some form of memory. Claims 12, 13, 15, 17, and 18 are all dependent upon claim 11 or claim 16 and are thus rejected as well.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 11-13 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by *Rotenberg* ("AR-SMT: A Microarchitectural Approach to Fault Tolerance in Microprocessors") herein referred to as *Rotenberg*.

Claim 11

Rotenberg teaches: **A method comprising: dividing a dynamic sequential program into multiple epochs comprising a first epoch instance and a second epoch instance** (Figure 2, A-Stream and R-Stream, Section 1.2 *Note: The R-stream lags behind the A-stream and is therefore a trailing thread*), **wherein each epoch includes two or more instructions** (Section 1.2 *Note: The streams each have multiple instructions*); **in a redundant multi-threading (RMT) system having leading and trailing threads** (Figure 2, A-Stream and R-Stream, Section 1.2), **redundantly executing in parallel first epoch instance and second epoch instance for each epoch as the leading and trailing threads, respectively, in the RMT system** (Figure 2, A-Stream and R-Stream, Section 1.2); **for the executed first epoch instance and second epoch instance, saving store results of the first epoch instance and the second epoch instance as speculative stores to memory, the speculative stores being exposed** (Figure 2, Delay Buffer, Section 1.2 Paragraph 2, “As the R-stream is fetched and executed, it’s committed results are compared to those in the Delay Buffer”); **comparing the exposed stores** (Section 1.2, Paragraph 2, *Note: The results of the A-Stream are stored in the Delay Buffer for comparison*); **and if the exposed stores match, committing a one of the exposed stores atomically to a sequential architectural memory state of a computation corresponding to the dynamic sequential program** (Section 1.2, Paragraph 2 *Note: If the comparison fails then a fault is detected and the results would not be committed*

*as the actual result of the instruction given that the result is a known fault. Given that only one store needs to be committed it is done atomically by definition as it is a single operation).*

Claim 12

Rotenberg teaches: **The method of claim 11, wherein the speculative stores are from a re-order buffer** (Section 1.2 Note: *As the status of the results could still be a fault they are inherently speculative*).

Claim 13

Rotenberg teaches: **The method of claim 12, wherein the two or more instructions executed in response to the execution of the first and second epoch instances are buffered prior to epoch execution completion** (Figure 2, Delay Buffer).

Claim 15

Rotenberg teaches: **The method of claim 11, wherein the memory is L1 cache memory** (Figure 4).

Claims 16-18

Claims 16-18 contain the same limitations as claims 11-13 and 15 and are rejected for the same reasons set forth in connection with the rejections of claims 11-13 and 15.

7. Examiner believes the above rejection is sufficient for anticipating the claimed invention. However, in the event that Applicant disagrees, Examiner presents the below rejection as further evidence regarding the lack of novelty in the claims.

8. Claims 11-13 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by *Reinhardt et al. ("Transient Fault Detection via Simultaneous Multithreading")* herein referred to as Reinhardt.

Claim 11

Reinhardt teaches: **A method comprising: dividing a dynamic sequential program into multiple epochs comprising a first epoch instance and a second epoch instance** (Figure 3, Thread 0 and Thread 1, Section 3.1 *Note: The redundant thread may be time redundant and is therefore a trailing thread*), **wherein each epoch includes two or more instructions** (Section 3.1 *Note: The threads each have multiple instructions*); **in a redundant multi-threading (RMT) system having leading and trailing threads** (Figure 3, Thread 0 and Thread 1), **redundantly executing in parallel first epoch instance and second epoch instance for each epoch as the leading and trailing threads, respectively, in**

**the RMT system** (Figure 3, Thread 0 and Thread 1, Section 3.1); **for the executed first epoch instance and second epoch instance, saving store results of the first epoch instance and the second epoch instance as speculative stores to memory, the speculative stores being exposed** (Section 3.2, Paragraph 7, “register writeback comparison...” *Note: The results are stored in a register check buffer*); **comparing the exposed stores** (Section 3.2, Paragraph 7, “register writeback comparison...” *Note: The values are compared and if they match then the value is committed*); **and if the exposed stores match, committing a one of the exposed stores atomically to a sequential architectural memory state of a computation corresponding to the dynamic sequential program** (Section 3.2, Paragraph 7, “register writeback comparison...” *Note: The values are compared and if they match then the value is committed. Given that only one store needs to be committed it is done atomically by definition as it is a single operation*).

### Claim 12

Reinhardt teaches: **The method of claim 11, wherein the speculative stores are from a re-order buffer** (Section 3.2, Paragraph 7, “register writeback comparison...” *Note: As the instructions have yet to be committed they are still speculative*).

Claim 13

Reinhardt teaches: **The method of claim 12, wherein the two or more instructions executed in response to the execution of the first and second epoch instances are buffered prior to epoch execution completion** (Section 3.2, Paragraph 7, “register writeback comparison...”).

Claim 15

Reinhardt teaches: **The method of claim 11, wherein the memory is L1 cache memory** (Figure 2).

Claims 16-18

Claims 16-18 contain the same limitations as claims 11-13 and 15 and are rejected for the same reasons set forth in connection with the rejections of claims 11-13 and 15.

***Response to Arguments***

9. Applicant's arguments filed 5/21/2010 have been fully considered but they are not persuasive. Applicant argues in substance:
  - a. **It is respectfully submitted that the cited art, alone or in combination, fails to teach (or even suggest) the claimed combination of features such as set forth in claim 11, including for example, committing one of the exposed stores atomically to a sequential architectural memory state of a**

**computation corresponding to the dynamic sequential program.**

**Accordingly, claim 11 is believed to be in condition for allowance.**

i. Examiner respectfully disagrees. As noted above the claims are currently rejected under 35 U.S.C. 112, first and second paragraphs. The limitations Applicants have added are not supported by the specification and now render the claims indefinite. The distinction appears to be that the store is not committed atomically and that they are committed to a "sequential architectural memory state". First, if only one store is committed it is inherently committed atomically, the limitation essentially means nothing in regards to what is happening as it's unclear how the process of committing one store could be anything but atomically. Further at no point does Applicant provide any argument, persuasive or otherwise, as to why the teachings of Rotenberg or Reinhardt do not anticipate the claim limitation; simply that the cited art does not. Thus the arguments are not persuasive.

10. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Examiner respectfully requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line number(s) in the specification and/or drawing figure(s). This will assist Examiner in prosecuting the application.

13. When responding to this Office Action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections. See 37 CFR 1.111(c).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Partridge whose telephone number is (571) 270-1402. The examiner can normally be reached on M-F 2:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on (571) 272-4162. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eddie P Chan/  
Supervisory Patent Examiner, Art Unit 2183

/William B Partridge/  
Examiner, Art Unit 2183